

IN THE SENATE

SENATE JOINT MEMORIAL NO. 102

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES  
IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION  
REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED  
STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the right of Idaho employees to freely choose representation by a labor organization by way of a federally supervised private ballot election is among the most important protections afforded under federal labor law and is at the heart of Idaho democratic tradition; and

WHEREAS, for over 70 years, it has been the fundamental tenet of collective bargaining that parties be required to honor an agreement only when each party has agreed to its terms. The use of arbitration to establish contractual terms will only serve to undermine the industrial stability that collective bargaining was designed to enhance; and

WHEREAS, the passage of the Employee Free Choice Act would eliminate the current federal rights of Idaho employees, as well as employees across the nation, to recognize union representation by a private ballot election and would put in place a card check union organizing system through which employees openly sign authorization cards in front of union organizers, leaving employees vulnerable to coercion, harassment and abuse; and

WHEREAS, the recognition of a labor organization by the card check system threatens the freedom of Idaho employees and severely limits the ability of the National Labor Relations Board to ensure the protection of Idaho workers; and

WHEREAS, the private ballot election process established and refined through decades of experience carefully balances the interests of employees, unions and employers and ensures that workers are well informed and are given the opportunity to make an educated decision, in private, without intimidation or coercion; and

WHEREAS, the mandatory arbitration provisions in the Employee Free Choice Act would remove any incentive for the employer or the union to adopt realistic bargaining positions, as each would be posturing for the arbitration panel, which would have control of the most basic business decisions; and

WHEREAS, the "card check" bill, if passed, would increase penalties against employers, but not against labor organizations, for violations of the National Labor Relations Act, requiring employers to pay triple back pay, as well as a civil penalty of up to \$20,000 for each violation; and

WHEREAS, the vast majority of American voters oppose the Employee Free Choice Act, while 82% favor having a federally supervised secret ballot election as a means to protect the individual rights of workers.

1       NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of  
2 the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein,  
3 that we urge the members of Congress representing the state of Idaho to oppose final passage of  
4 the Employee Free Choice Act.

5       BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby  
6 authorized and directed to forward a copy of this Memorial to the President of the Senate and  
7 the Speaker of the House of Representatives of Congress, and the congressional delegation  
8 representing the State of Idaho in the Congress of the United States.